



**DEVELOPMENT
SERVICES
DEPARTMENT**

The City of Morgantown

389 SPRUCE STREET
MORGANTOWN, WEST VIRGINIA 26505
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May 16, 2013

Rocktop, LLC
c/o Joe Panico
507 Beechurst Avenue
Morgantown, WV 26505

**RE: CU09-10 / Rocktop, LLC / 341 Chestnut Street
Tax Map 26A, Parcels 79 and 80**

Dear Mr. Panico:

This letter is to notify you of the decision made by the Board of Zoning Appeals concerning your request for an amendment to the conditional use approval for Case No. CU09-10 granted by the Board of Zoning Appeals on December 16, 2009 for a "Restaurant, Private Club" in the B-4, General Business District at 341 Chestnut Street. The decision is as follows:

Board of Zoning Appeals, May 15, 2013:

The Board approved your requested amendment as requested with the following conditions:

1. That the Big Whiskey venue, upon opening to the general public regardless of private and/or invitation only events and for the purpose of serving lunch, shall be open to the general public a minimum of 11:00 AM to 1:00 PM Monday through Friday. Further, that the Rocktop venue, for the purpose of serving lunch, shall be open to the general public a minimum of 11:00 AM to 1:00 PM Monday through Friday until the Big Whiskey venue opens to the general public, regardless of private and/or invitation only events.
2. That the petitioner must maintain compliance with all supplemental regulations set forth in Article 1331.06 (27) of the Planning and Zoning Code.
3. That the establishment shall not serve liquor, including wine, later than 1:00 a.m., except on New Year's Eve.
4. That the petitioner must obtain permitting as a "restaurant" from the Monongalia County Health Department under the *Monongalia County Clean Indoor Air Regulations*.
5. That any exterior building modifications (i.e. façade, awning, etc) shall be reviewed and approved by the Downtown Design Review Committee and the Planning Division prior to building permit issuance for same.
6. That any regulated signage shall be reviewed and approved by the Downtown Design Review Committee and the Planning Division prior to building permit issuance for same.

7. That the petitioner voluntarily submit all necessary financial information to the City for the subject establishment following its first twelve (12) months of operation as a "Restaurant, Private Club" to ensure compliance with Article 1331.06 (27) (e) provisions, which requires the sale of food and non-alcoholic beverages to comprise a minimum of 60 percent of total gross sales of all food and drink items in each calendar month.
8. That the conditional use approved on December 16, 2009 under Case No. CU09-10 and the amendment granted herein are and shall remain specific to Rocktop, LLC as the beneficiary of same and may not be transferred without first obtaining approval by the Board of Zoning Appeals.

This decision may be appealed to the Circuit Court of Monongalia County within thirty (30) days. Any work done relating to decisions rendered by the Board of Zoning Appeals during this thirty-day period is at the sole financial risk of the applicant.

Please note that building permits may be necessary for any construction, remodeling, and/or signage relating to the Board of Zoning Appeals approval addressed herein.

Should you have any questions or require further clarification, please contact the undersigned.

Respectfully,



Stacy Hollar
Executive Secretary
shollar@cityofmorgantown.org